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Secta. II-27—100,000—21-8-52.

Home (1951) Department.

SERIES.

G.O No	3791
Dated	21 - 4 - 49

[Despatch Abstract.]

COURTS - Civil - District Munsifs with light file investiture of first class magisterial powers proposal deferred.

The Honourable Minister for Law Government of Madras,

Madras

THE HUMBLE MEMORIAL OF THE BAR-ASSOCIATION, NEGAPATAM.

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1. The memorialists understand that the Hon'ble the Judges of the High Court and the Government of Madras are considering ways and means of effecting retrenchment in the Judicial Department by the abolition of some of the civil courts in the Province, and that, amongst other proposals one for the abolition of the District & Sessions Court of East Tanjore, by the merger of the same with that of the West Tanjore, ~~by the~~ is likely to come up for consideration. They crave leave to bring the following facts to the notice of the Hon'ble Judges of the High Court of ~~East Ta~~ and of the Government of the Province, with a view to urge that such abolition of the District Court of East Tanjore is likely to impair the efficiency of the judicial administration in the District of Tanjore and to cause a great deal of inconvenience and hardship to the Public.

2. The District & Sessions Court of East Tanjore was established in 1921, on the definite conclusion that a single District & Sessions Court for the entire Revenue District of Tanjore was wholly inadequate to cope with the volume of litigation and administrative and responsibility. The reasons for the re-establishment of a second District and Sessions Court in Tanjore District are found stated in G.O. No. 668 - Law - General - dated 22-6-1921 and its annexures; and it was estimated that there would be 56 Sessions Cases and 89 Criminal Appeals for the entire Revenue District, besides Civil Work, and that one judge could not cope up with the same. In fact, the work has since been on the increase and risen above the estimate. The total number of Sesions Cases in both the Judicial District for the years 1945, 1946 and 1947 being 113, 102 and 123 respe ctively and the number of Criminal Appeals for the said years being 211, 216 and 220.

3. The position was reviewed and examined at least on two later occasions, particularely as the Bar-Association, Tanjore, was making persistent representations that a single District & Sessions Court for the entire District of Tanjore would be sufficient. In 1938, it was last examined, and after obtaining the reports of Messrs. S.P. Thompson, I.C.S., and the late C.N. Kuppuswami Iyer, the then District Judges of West and East Tanjore respectively, the High Court and the Government accepted the agreed conclusion of the District Judges that the amalgamation of the two District Courts could not be effected. It was then estimated on taking the averages of the disposal of the years (1932-1937) that excluding suits and appeals from the District Munsifs of the District of East Tanjore, the work exclusively cognisable by a District and Sessions Court in East Tanjore ~~the work exclusively congniaable by a District and Sessions Cou in East Tanjore~~ would be 14 Sessions Cases 25 Criminal Appeals, 17 Criminal Revision Petitions, 2 Original Suits 20 Civil Appeals, 25 Civil Miscellaneous Appeals and 54 Original Petitions, and that a little over 140 days would be required for this exclusive work, leaving only 65 days for the other Civil work like Original Suits and Petitions and and also Regular Appeals from District Munsifs, and for inspection work. It was found that a like period of 140 days would be required for the work of the District Court of West Tanjore, and obviously on this basis. One District and Sessions Court could not in 205 days on the basis of work to be done exclusively by a District Sessions Judge work which normally requires 280 days. This work, like and disregarding other Civil and Criminal suits not necessarily appeals from District Munsifs, origi-

Original

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to be disposed of by the District Judge. The average figures of the years 1943 to 1947 in both the District Courts given below (relating to work exclusively triable by District & Sessions Courts) clearly indicate that the work has definitely increased since 1938.

	Sessions Cases.	Crl. Misc. Petitions.	Criminal Appeals	Original Suits	Civil App. Incl. C.M.As.	O.Ps.
West Tanjore.	29	120	106	1	126	25
	18	91	126	1	20	53
Total.	47	211	232	2	146	78

These figures are sufficient in themselves to prove that, if anything, more than 280 working days would be required to do the work exclusively cognisable by a District Judge.

4. Your memorialists beg to point out that to disregard appeals from District Munsifs and other original suits (not exclusively triable by a District Court) as outside the scope of a District Court, is not right, as the High Court has repeatedly pointed out that the District Judges must do some original suits and hear a few appeals from each of the District Munsifs within their respective Jurisdiction, in order to keep themselves acquainted with the quality of the work of District Munsifs. In this view, even 280 days (which figure relates only to work exclusively triable by District and Sessions Judges) would be wholly inadequate.

5. It is therefore submitted that the abolition of the East Tanjore District Court will seriously impair the efficiency and speedy disposal in the administration of justice. The facts are indeed so compelling that it appears to be suggested that a Sub-Court may be re-established at Nagapatam to dispose of appeals from District Munsifs and Original Suits, and thus afford relief to a single Sessions Court. Your memorialists while subscribing to the view that the establishment of a Sub-Court is inevitably necessary on the amalgamation to the two District Courts, desire to point out that there will still be the necessity of appointing an additional District Judge for at least some months in the years, since a single District and Sesssions Court will be unable to cope with even the work exclusively triable by a District & Sessions Judge.

6. The saving of the expenditure that can be effected by the abolition of one of the District Courts in the circumstance stated above will not be so considerable as is apparently thought.

7. A citation of the number of appeals, suits or sessions cases in some other District Courts is, it is respectfully submitted, an unsound and misleading analogy as each District has its special features and peculaiarities of civil and criminal litigation. The character of the work and the percentage of contested work vary from district to district. Your memorialists beg to state that the present arrangement of two District Courts must be maintained, and further submit that any other substitute arrangement would involve reduced efficiency in the administration of Justice and inflict inconvenience on the litigant Public.

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8. Your memorialists further beg to state that the basic assumption that if the two District Courts are to be amalgamated into one, the District Court at Nagapatam should disappear while the one at Tanjore should survive cannot be left unchallenged. Of the two places, Nagapatam is more appropriate centre for the location of a District Court as, amongst other advantages, there are permanent Government buildings for the Court and Judge's residence.

9. Your memorialists have briefly indicated above their reasons for the views they have propounded; but in view of the local importance of the matter affecting a large section of the Public pray for an opportunity to be heard through a deputation of theirs in order that a fuller elucidation of the matter may be put forward.

NAGAPATAM,
Dated 17-1-1948.

The Memorialists beg to remain,

(Sd) . . . . . .

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R.O.C. No. 8758/48-D2.

From

K. N. Ganpati Esquire, B.A., Bar-at-Law.,
Registrar, High Court, Madras.

To

The Secretary to Government, Home Department,
Home Department,
Fort St. George,
Madras.

Dated the 5th August 1949.

Sir,

Sub: Courts - Civil - District Munsifs with light fil first class magisterial powers - investment of.

Ref: Correspondence resting with Home Department's letter No. 6266-E-48-8 dated 16-7-1949.

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The Hon'ble the Judges consider that in view of the impending reform, viz., separation of the Judiciary from the Executive, there is no particular urgency for investing District Munsifs having light civil work with first class magisterial powers.

(Sd) . . .
Registrar.

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GOVERNMENT OF MADRAS.

ABSTRACT.

COURTS - CIVIL & DISTRICT MUNSIFS WITH LIGHT FILE - Investiture of first class magistreial powers - Proposal deferred.

HOME DEPARTMENT.

G.O. Ms. No. 3791 Dated 21-9-1949.

Read the following:

From the High Court, Roc. No. 8758/48-D2, dated 5.8.49.

ORDER:

The Government agree with the Hon'ble the Judges of the High Court that the proposal to invest District Munisifs having light civil work with first class magisterial powers may be deferred for the present.

(Sd) . . . .
20-9-1948.

To
The Hon'ble the Chief Justice.
Copy to the Board of Revenue.
/True Copy/

for SUPERINTENDENT

SP/3.7.

13.8.53
Madras Record Office.

Note file

HOME DEPARTMENT.

The file now relates to the suggestion made to the High Court and to the Board of Revenue ~~with reference to the orders on page 18 ante~~ that District Munsifs in lighter courts may be invisted with First Class Powers and appointed as Additional First Class Magistrates, even though the question of separation of the Judiciary from the Executive has not proceeded with.

2. The scheme of separation of the Judiciary from the Executive has since been taken up. The high court in consultation with the Board of Revenue has now reported that in view of the impending reform viz., separation of the Judiciary from the Executive there is no particular urgency for investing District Munsifs having light civil work with Ist Class Magisterial powers. This Department agree. The Public (Separation) Department have stated that the details connected with the extension of the "Simultaneous Method" to districts with light civil work have been worked out for introduction as part of the general scheme of separation and that it will therefore be convenient to defer invásting the District Munsifs having light civil work with Ist Class Magisterial powers pending orders on with introduction of the scheme of separation.

3. May be circulated for orders whether the proposal to invest District Munsif in ligher etc. with first class powers may be deferred for the present.

Through 'D

(Sd) . .
5.9.49.

Circulated for orders. perhaps may be deferred for the present.

(Sd) . . .
6.9.49

Hon'ble Minister (Education & Public Health)

Hon'ble Primier. (Sd) . . . . .

A draft order is submitted for approval;

(Sd) . . . .
10-9-49.

(Issued as G.O. No. Ms. 3791 Home d/21.9.49.

/True Copy/

SUPERINTENDENT

SP/3.7. Madras Record Office.

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